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10/590,094	07/28/2008	Christopher M. McGregor	6016	4154
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EXAMINER				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Applicant's prior art related arguments in amendment after Final for application 10/590094 filed 05/10/2011 have been fully considered but they are not persuasive. However, the Applicants' amendments have overcome Claim 11 objection due to the use of "capable of" in claim 11.

The Applicant in the Amendment After Final asserts *inter alia* that:

Hamalainen, newly cited by the Examiner simply does not disclose financial account management in the SIM/USIM.

the unique use of the SIM or USIM itself for real-time account management as claimed was not suggested at the time of applicants' invention a result of the limited memory available (See, Para 0107).

What applicants have invented is not one of those bank account monitoring applications for a mobile phone that you typically see at the device manufacturers' app store, but the bank itself, in the SIM/USIM.

First, Applicants' arguments are unpersuasive because the Applicants' are arguing the references individually. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The combination of Lu, Zhu and Hamalainen as a whole discloses Claim 1 limitations

Prior art Lu was brought in for disclosing USIM providing for account management that has access control and transactional analysis. First, the Examiner interprets the claim limitation "account management" in light of Applicants' disclosure on Page 15 of Specification in Para. [0002] i.e. "In the detailed...the Internet" to mean "subscriber account management for Internet access that utilize USIM provided with a registry of permitted and prohibited Internet sites and an account register for calculating and recording any charges made for the media accessed."

Second, Lu in FIG. 1 and Col. 8 Lines 5-25 among others discloses information processing device such as PDA further includes a card holder/reader with one or more GSM-type SIM cards or 3G-type universal SIM (SIM) cards held in the card holder/reader with each SIM having an algorithm and a key to support authentication and encryption necessary to enable or facilitate communication with the public network, the private cellular network and/or the PBX. Each SIM or SIM card has stored therein subscriber identification and security information for one or more user profiles. Here, the applied art disclosed "SIM stored subscriber identification information and security information for one or more user profiles, SIM stored algorithm and key to support authentication and encryption necessary to enable or facilitate communication with the public network in the SIM" is representative of USIM providing for account management that has access as claimed. Third, Lu in Col. 8 Lines 65 up to Col. 9 Lines 10 discloses providing single information processing device such as a PDA with multiple different user profiles that can be selected by a user for record or billing purposes. Here, since, the SIM-stored multiple different user profiles can be used for record or billing purposes, Lu also discloses USIM providing for account management that has access control and transactional analysis.

Contrary to Applicants' assertion Zhu not ham was brought in for disclosing real-time account management as claimed. Prior art Zhu was brought in for disclosing wherein accounting events are captured and recorded in real-time in mobile wireless device. First, Zhu, in Para. [0018-0020] among others discloses service provider controlled filters installed in end-user's data processing equipment such as a mobile phone with web browsing capability. Second, in Para. [0030], Zhu discloses service provider controlled filters that relate to ISP provided different content packages charged different prices such that a particular package may be characterized by

a quality of service (e.g., color vs. black/white, or higher resolution vs. lower resolution), access to specific semantic content or to Web sites that ordinarily attract high traffic. The user's filtering criteria can then be used to tailor an access package for this specific user. The filtering or the layered access is then a tool for the ISP in order to control, at least to some extent, the data traffic to and from the terminals of the subscribers... The ISP can therefore offer access to Web sites based on filtering criteria for a lower fee. Thus, Zhu also discloses mobile phone installed system for real-time account management that has access control and transactional analysis. Lastly, in Para. [0034] among others discloses dynamic real-time capture and recording of accounting events using heuristics or other rule-based methods to programmatically modify the filtering database by for example creating and/or modifying entries in the URL filtering database using the user's actual, browsing history such that search request results or other links are congruent with the user's other URL link filtering patterns. Since, in order for an ISP to use the user's filtering criteria to tailor an access package for the specific user, the filtering rules would need to capture and record accounting events such as charges/prices for the different packages of media accessed and in the embodiment as disclosed in Para. [0034] dynamically, Zhu discloses capturing and recording accounting events dynamically and in real-time in a mobile device.

The prior art Hamalainen was brought in for disclosing providing an applet in the USIM and programmed USIM. Specifically, Hamalainen, in Para. [0006] and Para. [0008] discloses programming a SIM/USIM using Java applets on SIM/USIM card such as banking application and other security applications.

Therefore, a PHOSITA at the time of the invention would have found it obvious to modify the system of providing subscriber access control and subscriber account information in a mobile

device SIM/USIM controlled by a service provider (Lu, Col. 8 Lines 5-25, Lines 45-57 and Col. 9 Lines 30-39) using a system that enables an ISP to use subscriber's filtering criteria to tailor an access package for this specific user based on filter rules installed in a mobile (Zhu, Para. [0018-0020], and Para.[0030]) as taught by the combination of Lu and Zhu as a whole using a system that utilizes interoperable Java applet applications on SIM card of mobile terminal (Hamalainen, Para. [0008]) as taught by Hamalainen from the combined teachings of Lu, Zhu and Hamalainen as a whole.

A reasonable and rational motivation would be to successfully derive a system that facilitates security of SIM card applications on mobile terminal (Hamalainen, Para. [0005]).

Hamalainen in Para. [0005-0008] disclose financial account management in the SIM/USIM. Specifically in Para. [0005], Hamalainen discloses SIM as a secure application platform and addition of new functions that enable different applications on the GSM phone. Furthermore, in Para. [0006], Hamalainen discloses executing various applications such as bank account monitoring which is representative of applications that facilitate financial account management in the SIM using programs running on the SIM card. Hamalainen, Para. [0008] additionally discloses applications running on the SIM such as Java Card and loading applications to SIM card. Therefore, contrary to Applicants' asserts Hamalainen does not merely speculate that an applet for bank account monitoring may somehow be executed by or through the SIM/USIM. Rather via Para. [0006-0007], Hamalainen discloses financial account management in the SIM/USIM. Lastly in Para.[0008] discloses applications/Java applets such as banking applications which are representative of application that facilitate financial account management loaded onto SIM/USIM cards.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., What applicants have invented is not one of those bank account monitoring applications for a mobile phone that you typically see at the device manufacturers' app store, but the bank itself, in the SIM/USIM) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In conclusion, the previous 35 U.S.C. § 103(a) rejection of Claims in Office Action dated 03/07/2011 are maintained.

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